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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/857,805	04/05/2013	Curtis Ling	25016US02	1020

23446 7590 05/04/2017

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ART UNIT	PAPER NUMBER
2649	

NOTIFICATION DATE	DELIVERY MODE
05/04/2017	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CURTIS LING and PAUL P. CHOMINSKI[1]

Appeal 2016-007597
Application 13/857,805
Technology Center 2600

Before ROBERT E. NAPPI, JOHN P. PINKERTON, and JOYCE CRAIG, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1 through 26. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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[1] Applicant is MaxLinear Inc.

INVENTION

Appellants' disclosed and claimed invention is directed to a communication system between two broadband devices to allow transmission between barriers. Abstract. The devices communicate with each other using near-field communication, which is optimized and which will nullify signaling over ranges beyond the near-field ranges. Abstract. Claim 1 is representative of the invention and reproduced below.

> 1. A system, comprising:
>
> one or more circuits for use in a first broadband device that is operable to communicate signals to a second broadband device at a power level that is below a spurious emissions mask and to transmit the communicated signals over a designated frequency spectrum band, the one or more circuits being operable to:
>
> wirelessly communicate signals from the first broadband device to the second broadband device when a barrier separates the first broadband device from the second broadband device, wherein:
>
> a signal transmission component of the first broadband device and a signal reception component of the second broadband device are jointly configured to nullify or reduce signals in areas other than a region between the components.

REJECTION AT ISSUE[2]

The Examiner has rejected claims 1 through 26 under 35 U.S.C. § 103(a) as unpatentable over Binder (US 2013/0201316 A1, pub.

[2] Throughout this Decision we refer to the Appeal Brief filed November 24, 2015, Reply Brief filed August 3, 2016, and the Examiner's Answer mailed June 3, 2016.

Aug. 8, 2013), and Lavedas (US 2012/0206309 A1, pub. Aug. 16, 2012). Answer 3–11.

ANALYSIS

We have reviewed Appellants' arguments in the Briefs, the Examiner's rejections, and the Examiner's response to Appellants' arguments. Appellants' arguments have persuaded us of error in the Examiner's rejection of claims 1 through 26.

Appellants argue that independent claims 1 and 14 recite a signal transmission component of each of a first broadband device and a second broadband device are jointly configured to nullify or reduce signals in areas other than a region between components. App. Br. 6–12.

The Examiner, in the response, finds that Binder teaches two broadband devices which communicate at a power level below a spurious emissions mask. Answer 14–15.[3] Further, the Examiner finds that Lavedas teaches "jointly configured to nullify or reduce signals in areas other than a region between the components." Answer 16. We have reviewed the cited portions of Binder and Lavedas. We agree with the Examiner that Binder teaches communication between two broadband devices, but we do not find sufficient evidence to show that they communicate at a power level below a spurious emissions mask. Further, while Lavedas teaches reducing far field emissions, this is based upon the antenna on one device, not two. As argued

[3] The Examiner also states that the terms "for use" and "operable to" render the claim indefinite. Answer 14. This is not well taken, as the Examiner has not rejected the claims under 35 U.S.C. § 112. Further, Appellants' Specification clarifies the scope of the term "operable." *See* Spec. ¶ 22 (filed Apr. 5, 2013).

by Appellants, on page 11 of the Appeal Brief, the claim is directed to two devices jointly configured, which is not taught by Lavedas. Accordingly, Appellants' arguments have persuaded us of error in the Examiner's rejection of independent claims 1 and 14 and the claims which depend thereupon.

DECISION

We reverse the Examiner's rejections of claims 1 through 26.

REVERSED